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16 Attorneys for Plaintiff
17 PATAGONIA, INC.

18 **UNITED STATES DISTRICT COURT**
19 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
20 **WESTERN DIVISION – LOS ANGELES**

21 PATAGONIA, INC.,
22 Plaintiff,
23 v.

24 **FRANCES AGNEW DBA FRAN**
25 **CALISTA, FRAN CALISTA CLOSET**
26 **LLC, ALL THINGS ALI, LLC, ORC**
27 **SHOP LLC, ALISON RAE FEASTER,**
28 **BROOKE L. HUNSUCKER DBA**
BROOKE LEANN ALLEN, BAILEY
RENAE MILLER, JEFFREY
FRANCIS MOORE, LEE WILLIAM,
COLSON TY AGNEW, PUTIAN
LOMANDO TRADING CO., LTD
AND DOES 1-10,
Defendants.

Case No.: 2:25-cv-03283

**DECLARATION OF TRACI ESCAMILLA
IN SUPPORT OF PLAINTIFF
PATAGONIA, INC.'S APPLICATION
FOR TEMPORARY RESTRAINING
ORDER AND ORDER TO SHOW CAUSE**

**UNREDACTED VERSION OF
DOCUMENT PROPOSED TO BE FILED
UNDER SEAL**

I, Traci Escamilla, declare:

1. I am an individual over the age of eighteen years old, residing in Goodyear, Arizona. I joined Patagonia, Inc. ("Patagonia") in 2014, and my current title is Senior Brand Protection Paralegal. My primary responsibilities include managing Patagonia's brand protection and enforcement matters worldwide.

1 2. I have access to Patagonia's business records as they are maintained in the
2 ordinary course of business, and as indicated below, I have relied on some of those
3 records in making this Declaration. For example, I have access to certain Patagonia
4 records reflecting how we have used and are using certain trademarks on our products
5 and in our retail environments. Except as stated below, I make these and the foregoing
6 statements from personal knowledge and would testify competently to these facts if
7 called upon to testify.

8 3. In my role, I have learned about the history of Patagonia, its products and
9 services, and the PATAGONIA brand.


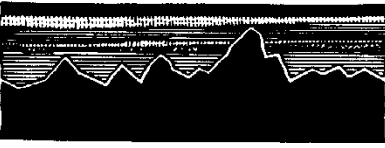

10 4. As part of my job, I am also familiar with Patagonia's intellectual property
11 rights, including Patagonia's common law and registered trademarks and copyrights.
12 Patagonia's trademarks and copyrights are important to the company as those assets have
13 become a symbol of trust, quality, and reliability. Patagonia uses its trademarks and
14 copyrights to ensure that customers can easily recognize genuine Patagonia products.

15 5. Patagonia was founded in the early 1970s to design and sell climbing clothes
16 and other active sportswear. The company adopted the brand "PATAGONIA" to
17 differentiate a related business that designed and manufactured climbing gear and tools.
18 Since at least 1973, the PATAGONIA brand has appeared on a multi-colored label
19 inspired by a silhouette of the jagged peaks of the Mt. Fitz Roy skyline (the "P-6 logo").

20 6. Patagonia's products now include a wide range of high-quality apparel
21 products and equipment, including T shirts, hoodies, sweatshirts, and fleece, as well as
22 technical products designed for climbing, skiing and snowboarding, surfing, fly fishing,
23 and trail running, which are sold around the world.

24 7. Over the last fifty years, the PATAGONIA brand and P-6 logo have become
25 among the most identifiable brands in the world. To protect its valuable marks and
26 brand, Patagonia has applied for and obtained numerous (now incontestable) trademark
27 registrations for its distinctive P-6 logo and PATAGONIA trademark. Based on my
28 review of company records, these include but are not limited to the following U.S.

trademark registrations:

Trademark	Reg. No. / Reg. Date	Goods	Date of First Use
PATAGONIA	1189402 / Feb. 9, 1982	Men's and Women's Clothing-Namely, Sweaters, Rugby Shirts, Walking Shorts, Trousers, Jackets, Mittens, Hoods and Rainwear	08/1974
	1294523 / Sept. 11, 1984	Men's, Women's and Children's Clothing-Namely, Jackets, Pants, Vests, Gloves, Pullovers, Cardigans, Socks, Sweaters, Underwear, Shirts, Shorts, Skirts and Belts	08/1974- 1981
	1547469 / July 11, 1989	Men's, Women's and Children's Clothing- Namely, Jackets, Pants, Shirts, Sweaters, Vests, Skirts, Underwear Tops and Bottoms, Socks, Gloves, Mittens, Hats, Face Masks, Balaclava, Gaiters, Suspenders, and Belts	08/1974- 1981
	1775623 / June 8, 1993	Luggage back packs, and all- purpose sports bags	08/1988
PATAGONIA	1811334 / Dec. 14, 1993	Luggage, back packs, fanny packs and all-purpose sport bags, footwear, ski bags and ski gloves	08/1990
PATAGONIA	2260188 / July 13, 1999	Computerized on-line ordering activities in the field of clothing and accessories;	10/1995

Trademark	Reg. No. / Reg. Date	Goods	Date of First Use
		Providing information in the field of technical clothing and accessories for use in recreational, sporting and leisure activities; providing information in the field of existing and evolving environmental issues	
PATAGONIA	2662619 / Dec. 17, 2002	Retail store services featuring clothing, footwear, luggage and a wide variety of sporting goods and accessories	06/1986
PATAGONIA	5491401 / June 12, 2018	Reusable bottles sold empty; insulated containers for food or beverage for domestic use; cups, mugs and growlers	09/2014
PATAGONIA	5561006 / Sept. 11, 2018	Stickers; paper banners; fiction and non-fiction books on a variety of topics; posters; non-magnetically encoded gift cards; photographs	12/1991

Copies of USPTO records showing Patagonia's trademark registrations are attached as **Exhibit A**.

8. A color image of the well-known P-6 logo follows:



1 9. Patagonia's registered trademarks for the PATAGONIA marks and P-6
2 logo are referred to as the "PATAGONIA trademarks." Patagonia also owns a
3 registered copyright (Registration No. VA 1-801-788) for the P-6 logo.

4 10. For many years prior to the events giving rise to the Complaint and
5 Patagonia's *Ex Parte* Application for TRO and Order to Show Cause for Why
6 Preliminary Injunction Should Not Be Issued ("*Ex Parte* Application") and continuing
7 to the present, Patagonia has used the PATAGONIA trademarks continuously and
8 exclusively in commerce, including in connection with its sale of apparel products.

9 11. As part of my job, I am familiar with the enormous amount of resources
10 Patagonia has expended to promote, advertise, and protect its brand. It is of the utmost
11 importance that Patagonia creates and maintains trust with its consumers.

12 12. Since 1973, Patagonia has spent and continues to spend hundreds of
13 millions of dollars marketing and promoting its products in connection with the
14 PATAGONIA trademarks around the world. As a result, the PATAGONIA trademarks
15 are widely recognized and well-known to the public.

16 13. Due to Patagonia's longtime use of and investment in the PATAGONIA
17 trademarks and the quality of Patagonia's products, the PATAGONIA brand has built
18 up a tremendous amount of consumer goodwill. The PATAGONIA trademarks are
19 famous, symbolize Patagonia's goodwill, and are invaluable assets to Patagonia.

20 14. In addition to building a reputation for high-quality products, Patagonia has
21 been recognized and honored for its business initiatives, including receiving the
22 Sustainable Business Counsel's first "Lifetime Achievement Award"; sourcing
23 organically grown cotton to avoid the dangers of pesticide use and synthetic fertilizers
24 used in conventional cotton growing; founding the Fair Labor Association[®], an
25 independent verification and training organization that audits apparel factories; and
26 creating a non-profit organization to encourage business to pledge sales to
27 environmental groups like Patagonia does.

1 15. Patagonia has also earned numerous awards as an employer and for its
2 environmental advocacy which is led by its fabrication and sourcing practices.
3 Consumers recognize the PATAGONIA trademarks as signifying high-quality, durable
4 products made by a responsible company.

5 16. Because Patagonia designs many of its products for specific sports and
6 activities, such as climbing, skiing, fishing, hiking, swimming and surfing, its products
7 must meet the technical standards Patagonia has established for those sports.

8 17. To maintain high-quality products, Patagonia selects world-class partners
9 to manufacture its products. Patagonia requires its manufacturers to follow strict quality
10 control standards that govern the entire manufacturing process of each product.
11 Patagonia invests significant time and resources to vet, monitor, and audit its
12 manufacturing partners to ensure that Patagonia safeguards its reputation for high-
13 quality products.

14 18. Patagonia's high-quality products are sold in controlled channels such as
15 Patagonia's online website, Patagonia's retail stores, and Patagonia's outlet stores.
16 Patagonia's products are sold direct-to-consumers and are not meant to be resold by
17 unauthorized third parties.

18 19. Patagonia maintains strict control over the distribution of its products,
19 including maintaining oversight on the production of any excess inventory and
20 controlling the channels in which such inventory is distributed.

21 20. In order to combat counterfeiting and maintain trust with its consumers,
22 Patagonia maintains a robust brand protection and enforcement program. Patagonia
23 diligently and aggressively pursues individuals and/or entities who, without Patagonia's
24 consent, import, distribute, sell, and/or offer for sale counterfeit Patagonia products. The
25 success of Patagonia's brand has attracted counterfeiters who illegally profit by selling
26 fake Patagonia-branded products.

27 21. Patagonia has registered its trademarks with U.S. Customs and Border
28 Protection ("CBP") to allow the agency to identify and seize counterfeit products,

1 protecting Patagonia from unauthorized imports.

2 22. Patagonia also detects counterfeit schemes when consumers return products
3 to Patagonia stores, complaining that the product fits poorly, is of low quality, is
4 fabricated from undisclosed or toxic materials, or has other defects.

5 23. The existence of counterfeit products in the marketplace is extremely
6 harmful to Patagonia's brand and reputation, particularly because consumers are being
7 led to believe they are purchasing authentic high quality Patagonia products, when in
8 reality they are purchasing inferior goods at steep discounts.

9 24. In December 2024, I received two seizure reports from CBP alerting
10 Patagonia that CBP had determined that sixty (60) counterfeit Patagonia products had
11 been imported, and that CBP had seized them. I promptly sent these reports to Verso
12 Law Group LLP ("Verso"), attorneys of record for Patagonia in this proceeding, and
13 requested that Verso investigate the seized products and write to the identified importer,
14 "KGL."

15 25. Through this investigation, I learned that KGL was promoting and selling
16 counterfeit Patagonia-branded products she purchased through a closed Facebook
17 group, called ORC Style Guide, on her own online store. I reviewed images of these
18 Patagonia-branded products on KGL's online store and determined that the items
19 appeared to be counterfeit based on my familiarity with Patagonia's products and the
20 accurate style names and features that should appear on authentic products. Patagonia
21 has since entered into a settlement agreement with KGL wherein she has agreed to cease
22 selling counterfeit goods.

23 26. It is my understanding that through Verso's investigation, Verso has
24 uncovered a widespread, opportunistic counterfeiting ring involving the individuals and
25 entities named as Defendants in this lawsuit. I am also informed that the counterfeiting
26 ring operates through several closed groups on Facebook and Telegram platforms. This
27 scheme is outlined in the Complaint and Application for TRO Patagonia filed in this
28 Court on April 15, 2025. Given Defendants' use of private groups, it is extremely

1 difficult to use public tools to research and investigate Defendants' illegal activities.
2 Even if it is possible to infiltrate these groups, it is extremely time-consuming and
3 expensive.

4 27. To assist with the investigation, Patagonia hired a private investigator.
5 Patagonia's private investigator conducted test purchases of Patagonia-branded products
6 from several Defendants. I received images of the four purchased Patagonia-branded
7 products (t-shirt, sweatshirt, underwear and jacket) after the products were received by
8 the investigator. I reviewed images of the products to determine whether they were
9 genuine or counterfeit products based on Patagonia's proprietary counterfeit detection
10 methods. Based on this analysis, I determined that the products are counterfeit and are
11 using marks identical to Patagonia's federal registered trademarks.

12 28. Patagonia takes counterfeiting schemes, such as the one uncovered here,
13 very seriously. Defendants' sales of counterfeit Patagonia-branded products mislead
14 customers into buying inferior products that are not subject to the same rigorous quality
15 control measures Patagonia requires for its authentic products.

16 29. Misrepresenting Patagonia products and deceiving Patagonia's customers
17 into buying inferior counterfeit products whittles away at the trust Patagonia has earned
18 among customers for almost half a century. That type of damage can be impossible or
19 very difficult to quantify or repair over time.

20 30. Defendants' conduct has caused and continues to cause irreparable harm to
21 Patagonia's goodwill, which cannot be adequately addressed by awarding damages
22 after-the-fact.

23 31. A counterfeiting scheme like the one at issue not only damages Patagonia's
24 reputation and consumer goodwill but also diverts individuals who otherwise would
25 have purchased a genuine product from Patagonia, further magnifying the harm to
26 Patagonia.

27 32. Based on my experience, once a counterfeiter is alerted that legal action
28 has commenced, they will likely go underground, taking the counterfeit inventory, if

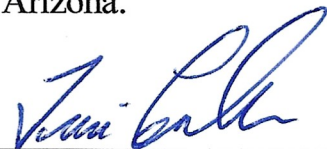
1 any, and proceeds of their illegal conduct with them.

2 33. Based on prior experience, defendants in a lawsuit like this one are likely to
3 conceal evidence of their illegal activity by transferring assets or counterfeit products to
4 different names or entities, and/or destroying important records, files, and/or goods.

5 I declare under penalty of perjury under the laws of the United States of America
6 that the foregoing is true and correct.

7 Executed on April 15, 2025 in Goodyear, Arizona.

8
9 By:



Traci Escamilla